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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, July 13, 2016.

Met at three minutes past eleven o'clock A.M. (Mr. Pacheco in the Chair).

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Humason for the purpose of an introduction. Mr. Humason then introduced on the Rostrum, Morgan "Momo" Morris and her mother, Laura Morris, of Southwick. They were joined by Briana LaChappelle of the Baystate Health Foundation. This year Momo was named the Children's Miracle Network Hospitals Massachusetts Champion for 2016-2017, representing the Commonwealth of Massachusetts at events across the country. She is a courageous little girl who battled and beat acute lymphoblastic leukemia with true princess flair after a two and a half year fight. She is a beautiful, inspirational young lady whose kind heart and can-do-attitude has brightened the lives of all who meet her. Mr. Humason presented Momo with official citations from the Senate and the Governor. The Senate welcomed them with applause, Momo signed the guest book, and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, in the rear of the Chamber, the Senator Mike Rush Royals Baseball Team. The team was recognized for being named the 2016 Parkway Little League AAA Champions and for sweeping the series. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was accompanied by Coaches Travis Dolson, Mike Cronin, Mike Gallagher and Steve Mitchell.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Alison Safran from Newton. Alison is the founding director of Surviving in Numbers, a website and poster campaign initially designed for the internet and for college campus assaults to support victims of rape and domestic violence in their healing process. This week her posters portraying the experiences of victims of sexual violence are covering columns on the 4th floor outside the House Gallery. The Senate applauded her accomplishments and she withdrew from the Chamber.

Reports of Committees.

By Mr. Welch, for the committee on Health Care Financing, that the Senate Bill relative to the practice of acupuncture (Senate, No. 2352),-- ought to pass [Estimated cost: greater than \$100,000];

Read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Mr. Brady, for the committee on Election Laws, on petition, a Bill providing for recall elections in the town of Hawley (Senate, No. 2322) [Local approval received];

By Ms. L'Italien, for the committee on Municipalities and Regional Government, on petition, a Bill relative to the membership of the conservation commission of the town of Sturbridge (Senate, No. 2355) [Local approval received]; and

By the same Senator, for the same committee, on petition, a Bill relative to the leadership and governance of the city known as the town of Agawam (Senate, No. 2397) [Local approval received];

Severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

At four minutes past eleven o'clock A.M., the Chair (Mr. Pacheco) declared a recess for the purpose of attending the Joint Session of the Two Houses to consider certain proposals for Amendments to the Constitution which have been called up for consideration by the Senate and House of Representatives.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At two minutes past one o'clock P.M., the two branches met in

JOINT SESSION

and were called to order by the Honorable Harriette L. Chandler.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Tarr, at three minute past one o'clock P.M., the joint session was recessed until one o'clock P.M., on Tuesday, January 3, 2017; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At nine minutes past one o'clock P.M., the Senate reassembled, Ms. Chandler in the Chair.

The Chair (Ms. Chandler), members, guests and staff then recited the pledge of allegiance to the flag.

PAPER FROM THE HOUSE
Emergency Preamble Adopted.

An engrossed Bill relative to campaign contribution limits for certain candidates running for office in a state election (see House, No. 542, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0. The bill was signed by the Acting President (Ms. Chandler) and sent to the House for enactment.**

Reports of a Committee.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Financial Services, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 483) of Harriette L. Chandler, Sal N. DiDomenico, John W. Scibak, David Paul Linsky and other members of the General Court for legislation relative to women's health and economic equity.

On motion of Mr. Ross, the rules were suspended; and, on motion of Ms. Creem, the petition was recommitted to the Joint Committee on Financial Services.

The following report was laid before the Senate, the time within which the said committee was required to report having expired:---

Of the committee on Financial Services, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, Senate, No. 485) of Harriette L. Chandler, Kimberly N. Ferguson, Angelo L. D'Emilia, Tricia Farley-Bouvier and other members of the General Court for legislation relative to cognitive rehabilitation .

On motion of Mr. deMacedo, the rules were suspended; and, on motion of Mr. Tarr, the petition was recommitted to the Joint Committee on Financial Services.

PAPERS FROM THE HOUSE
Engrossed Bills.

The following engrossed bills (the first three of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Ms. Chandler) and laid before the Governor for his approbation, to wit:

Authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 148, amended);

Relative to segregated reserve funds in the city of Boston (see Senate, No. 1999);

Relative to the retirement benefits of certain employees of the town of Erving (see Senate, No. 2227); and

Relative to campaign contribution limits for certain candidates running for office in a state election (see House, No. 542, amended).

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Relative to eliminating sub-precinct 9A in the town of Andover (Senate, No. 2368);

Authorizing the city of Holyoke to establish a program for enforcement against illegal dumping (House, No. 4262).

Authorizing the city of New Bedford to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4306, amended); and

Authorizing the city of Salem to establish the Salem Harbor Port Authority (House, No. 4479);

Were severally read a second time and ordered to a third reading.

The President in the Chair, at twenty minutes before one o'clock P.M., Mr. Tarr doubted the presence of a quorum. The President having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently, at twenty-three minutes past one o'clock P.M., a quorum was declared present

Orders of the Day.

The Orders of the Day were further considered as follows:

There being no objection, the following matter was taken out of order and considered, as follows:

The House Bill modernizing municipal finance and government (House, No. 4419),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking all after the enacting clause and inserting in place thereof the text of Senate document numbered 2410), and pending the main question on ordering the bill to a third reading, Mr. Downing and Ms. Jehlen moved that the proposed new text be amended by inserting the text of Senate document numbered 2429, relative to regional transportation ballot initiatives.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-two minutes before two o'clock P.M., on motion of Mr. Downing, as follows, to wit (*yeas 33 – nays 7*) **[Yeas and Nays No. 401]:**

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.

Eldridge, James B.

Rosenberg, Stanley C.

Flanagan, Jennifer L.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 33.

Joyce, Brian A.

NAYS.

deMacedo, Viriato M.

Ross, Richard J.

Fattma, Ryan C.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – 7.

OConnor, Patrick M.

The yeas and nays having been completed at a quarter before two o'clock P.M., the amendment was **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting the following new section:-

“SECTION __. Section 44F of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 13, the words ‘and (s)’ and inserting in place thereof the following words: (s) structural steel including when applicable structural steel framing, shear connectors, steel or metal joists, steel or metal decking, and/or hot dipped metal galvanizing; and (t).”

After remarks, the amendment was *rejected*.

Mr. Eldridge moved that the proposed new text be amended by inserting at the end thereof the following sections:-

“SECTION XX. Notwithstanding any general or special law to the contrary, each secretary of an executive office shall evaluate all grant, loan, and technical assistance programs administered under their office for opportunities to promote, facilitate and implement inter-municipal cooperation, collaboration, and regional service delivery at the local level. On or before December 31, 2017, each secretary shall provide to the executive office for administration and finance the results of their evaluation identifying opportunities to leverage state resources to promote regional, efficient solutions to common problems.

SECTION XX. Notwithstanding any general or special law to the contrary, any executive agency which administers a program through which funding may be provided to municipalities, where regionalization may be feasible, shall encourage municipal efficiencies by prioritizing those applications for funds which come from municipalities that have developed a method by which to jointly and more efficiently utilize such funding.”

After remarks, the amendment is **adopted**

Mr. Eldridge moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION XX. The operational services division shall review applicable procurement policies and regulations to facilitate the execution of contracts, where appropriate, between regional planning agencies and any executive office, department, agency, office, division, board, commission or institution within the executive branch to provide or receive services, facilities, staff assistance or money payments.”

After remarks, the amendment is **adopted**

Mr. Moore moved that the proposed new text be amended by inserting after section __, the following 4 sections:-

“SECTION __. Section 14 of chapter 61A of the General Laws, as so appearing, is hereby amended in lines 67, 87, 131 and 148 by striking out the number ‘120’ and inserting in place thereof the following number:- 180.

SECTION __. Said section is hereby further amended by striking out, in line 144, the figure ‘90’ and inserting in place thereof the

following figure:- 120.

SECTION __. The twenty-third paragraph of said section is hereby amended by adding the following sentence:- The city or town shall not be required to exercise the option to purchase any property not classified under this chapter.

SECTION __. The twelfth paragraph of said section is hereby amended by adding the following sentence:- The landowner shall respond no later than 30 days after having received the purchase and sale contract.”

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended by adding at the end thereof the following new sections:-

"SECTION __. Section 21D of chapter 40 of the General Laws as appearing in the 2014 Official Edition is hereby amended by inserting in line 2 after the word ‘of’ the following language:- ‘misdemeanors not ineligible for decriminalization under chapter two hundred seventy seven section seventy C, any matters deemed civil infractions by any general or special law, and any’.

SECTION __. Section 21D of chapter 40 of the General Laws as appearing in the 2014 Official Edition is hereby amended by inserting after line 4 the following paragraph:-

‘A police officer taking cognizance of any such violation may request the offender to state his name and address. Whoever, upon such request, refuses to state his name and address, or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than twenty nor more than fifty dollars. Any such offender who refuses upon such request to state his name and address or states a false name and address or a name and address which is not his name and address in ordinary use may be arrested without a warrant.’

SECTION __. Section 21D of chapter 40 of the General Laws as appearing in the 2014 Official Edition is hereby amended by inserting in line 6 after the word ‘a’ the following words:- ‘misdemeanor, civil infraction,’.

SECTION __. Section 21D of chapter 40 of the General Laws as appearing in the 2014 Official Edition is hereby amended by striking in line 8 the following words:- ‘shall, or, if so provided in such ordinance or by-law,’. The comma after ‘may’ in line 8 shall also be stricken.

SECTION __. Section 21D of chapter 40 of the General Laws in the 2014 Official Edition is hereby amended by inserting in line 64 after the word ‘appropriate’ the following words:- ‘, misdemeanor, civil infraction,’.

SECTION __. Section 21D of chapter 40 of the General Laws is hereby amended by inserting in line 64 after the word ‘regulation.’ the following words:-

‘Such persons shall also be punished by a fine of not less than twenty nor more than fifty dollars. If the person fails, without good cause, to appear in response to the summons, and the court has satisfactory proof of service of said summons, an arrest warrant may be issued, and shall be served by any officer authorized to serve criminal process.’.”

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended by adding at the end thereof the following section:-

“SECTION __. The fourth paragraph of section 5 of chapter 121B, is hereby amended by adding the following sentence at the end thereof:- If the department does not fill a vacancy within 120 days from the date that a vacancy is created, the board of selectmen shall in writing appoint a person by a majority vote to fill such vacancy for the unexpired portion of the term. In a city, the mayor shall appoint a person subject to confirmation by the city council for the unexpired portion of the term.”

After remarks, the amendment is **adopted**

Messrs. Moore and Eldridge moved that the proposed new text be amended by adding at the end thereof the following two sections:-

"SECTION __. Section 48 of chapter 31 of the General Laws is hereby amended by inserting, in line 26, after the words ‘police department’ the following:- ‘; the office of law enforcement under the executive office of energy and environmental affairs’

SECTION __. Chapter 31 of the General Laws is hereby amended by adding, at the end thereof, the following new sections:-

Section 78. Notwithstanding any general or special law to the contrary, environmental police officers shall be subject to the same civil service examination requirements as municipal police and firefighters, the Massachusetts bay transportation authority police, and the Massachusetts State Police

Section 79. No person shall be ineligible for appointment and no person shall be denied employment as an environmental police officer because of failure to attain a minimum height unless the administrator, in response to the written request of the appointing authority that no person under a specified height be certified for appointment to such position in said force, has established a minimum height requirement for the position. Such request shall include the findings of a validation study demonstrating the necessity for a minimum height for said position in said force, and such other evidence as the administrator may require.

A person shall be ineligible to become an applicant for an examination for original appointment to the position of environmental police officer if he will not have reached his twenty-first birthday on or before the final date for the filing of applications for such examination, as stated in the examination notice.

As a prerequisite to appointment to the position of environmental police officer, a person shall have graduated from high school, or received a high school graduation equivalency certificate from the department of education, and either:

(1) have at least two years of full-time, or equivalent part-time, professional or para-professional experience in wildlife or fisheries conservation or management, criminal justice, natural resources conservation or management, biological or environmental science, forestry, ecology, marine science, conservation law enforcement or related field, or

(2) any equivalent combination of such experience and a degree in environmental science, biology, oceanography, ecology, natural resource management, wildlife management, fisheries management, forestry, conservation law enforcement, criminal justice or related field whereas an associate’s degree may be substituted for one year of the required experience and a bachelor’s

degree or higher may be substituted for two years' experience on the basis of two years of education for one year of experience. Section 80. Original and promotional appointments of environmental police officers shall be made only after competitive examination, unless expressly exempted in section 10A of chapter 21A of the general laws.

An examination for a promotional appointment for any title in any such force shall be open only to permanent employees in the next lower title in such force, except that if the number of such employees, or the number of applicants for the examination, or the number of applicants presenting themselves for examination is less than four, the examination shall be opened to permanent employees in the next lower titles in succession in such force until either four such employees have applied and presented themselves for examination or until the examination is open to all permanent employees in lower titles in such force; provided, that no such examination shall be open to any person who has not been employed as a permanent employee for at least three years in such force in the lower title or titles to which the examination is open, and provided, further, that no such examination for the first title above the lowest title in such force shall be open to any person who has not been employed as a permanent employee in such force for at least three years in such lowest title.

All promotional appointments to fill positions in such forces shall be made on a full-time basis. No such promotional appointments shall be made on a permanent intermittent basis.

An eligible list established as a result of any examination shall not be used for an original or promotional appointment to any position in any force pursuant to this section unless the announcement of such examination identified such position as one to be filled from such list.

Following his original appointment as a permanent full-time police officer in the Massachusetts environmental police, a person shall actually perform the duties of such position on a full-time basis for a probationary period of twelve months before he shall be considered a full-time tenured employee in such position. The administrator, with the approval of the commission, may establish procedures to ensure the evaluation by appointing authorities, prior to the end of such probationary period, of the performance of persons appointed as police officers in such force."

The amendment was *rejected*.

Ms. O'Connor Ives and Mr. Tarr moved that the proposed new text be amended by inserting after section 26 the following section:-

"SECTION 26A. Chapter 30A of the General Laws is hereby amended by inserting after section 2 the following section:-Section 2A. (a) As used in this section, the following words shall have the following meanings unless the context requires otherwise:

'Action', (i) the adoption, repeal or amendment of any rule or regulation subject to chapter 30A of the General Laws; or (ii) any administrative action that either places additional expenditure, procedural or organizational requirements on local governments or limits the discretionary powers of local officials or agencies on a statewide basis.

'Local government advisory committee', the commission established by section 62 of chapter 3.

(b) In the case of action subject to the procedures of chapter 30A, at least 14 calendar days prior to the initiation of compliance, an agency shall initiate the procedures set forth in this section. In the case of actions not subject to the procedures of chapter 30A, an agency shall initiate said procedures at least 45 calendar days prior to the proposed implementation of said action.

An agency shall provide the local government advisory committee, the division of local mandates and the department of housing and community development with a brief statement describing the proposed action, which emphasizes the agency's best judgment of those elements which might affect local governments including, when feasible, preliminary cost estimates.

Within 21 calendar days of receipt of said statement, the local government advisory committee, the division of local mandates or the department of housing and community development, in cooperation, shall notify the originating agency as to whether or not it believes the proposed action presents potential for significant impact. Failure to notify the agency within 21 calendar days shall be deemed to constitute a judgment of no significant impact; provided, however, that the local government advisory committee, the division of local mandates or the department of housing and community development, with written consent from the originating agency, may agree to extend the review period up to 10 calendar days.

Any such notice shall set forth the aspects of the proposed action which the local government advisory committee, the division of local mandates or the department of housing and community development, as the case may be, believes present potential for significant impact.

Within 14 calendar days of the receipt of a notice under this section, the originating agency shall convene a meeting of representatives of the agency, the local government advisory committee, the division of local mandates and the department of housing and community development to review and discuss the potentially significant impact of the proposed action.

(c) To determine whether the proposed action may present potential for significant impact, agencies, the local government advisory committee, the division of local mandates and the department of housing and community development, in cooperation, shall consider the extent to which the proposed action might require municipalities to: (i) significantly expand existing services; (ii) employ additional personnel; (iii) significantly alter administrative and work procedures; (iv) realign organizational structures; (v) increase disbursements which are not reimbursed by the federal or state government; or (vi) limit the discretion exercised by local officials.

Each agency head, or a designee of the agency head, shall have responsibility within that agency for reviewing proposed administrative policies and regulations to ensure compliance with this section.

(d) An agency may initiate emergency actions under relevant sections of chapter 30A without prior compliance with this order; provided, however, that compliance shall be initiated as soon as practicable following the emergency action and before any emergency action becomes permanent."

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at two minutes before two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 402**]:

YEAS.

Barrett, Michael J.	Joyce, Brian A.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
deMacedo, Viriato M.	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 38.

NAYS – 0.

ABSENT OR NOT VOTING.

Timilty, James E. – 1.

The yeas and nays having been completed at one minute past two o'clock P.M., the amendment was **adopted**.

Mr. Joyce moved that the proposed new text be amended by inserting at the end thereof the following new section:

"SECTION __. Section 21(a)2 of Chapter 30A is hereby amended by inserting after the words 'To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel' the following: , which may include discussion of professional competence."

The amendment was rejected.

Messrs. Boncore and Lewis moved that the proposed new text be amended by adding at the end thereof the following new section:-

"SECTION XX. Section 21A of chapter 147 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following 2 sentences:-

No person shall be too old for appointment as a cadet if he or she was of a qualifying age at the time of application to a cadet program. Furthermore, an appointment to a cadet program shall not be terminated for age unless the cadet has completed 2 years of service."

After remarks, the amendment is **adopted**.

Mr. Rodrigues moved that the proposed new text be amended by inserting after section __, the following 4 sections:-

"SECTION __. Chapter 61A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting, after section 2, the following section:-

Section 2A. Land, or a portion thereof, which is no longer actively devoted to agricultural, horticultural or agricultural and horticultural use, shall be considered to be for a renewable energy use only when the land is converted or separated to allow or permit the development of such land to be primarily used to generate or produce electricity from any renewable energy generating source capable of producing not more than 125 per cent of the annual energy needs of the land upon which it is located, and which shall include contiguous or non-contiguous land owned or leased by the owner, or in which the owner otherwise holds an interest.

For the purposes of this chapter, the term 'renewable energy use' shall mean any renewable energy use on land converted or developed to produce, manufacture or otherwise generate electricity powered in whole or in part by the sun, wind, biomass, or otherwise any other renewable fuel.

SECTION __. Section 13 of said chapter 61A of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:-

Notwithstanding this paragraph, no roll-back taxes shall be assessed if the land involved, or a lesser interest in the land, is (i) acquired for a natural resource purpose by the city or town in which it is situated, by the commonwealth, or by a nonprofit conservation organization; (ii) acquired for, or sold or converted to, a renewable energy use as defined under section 2A; (iii) subject to a permanent wetland reserve easement through the agricultural conservation easement program established under the Food Security Act of 1985, 16 U.S.C. 3865c, as recently amended by Public Law 113-79; or (iv) otherwise subject to any other federal conservation programs; provided, however, that if any portion of the land is sold or converted to commercial, residential or industrial use within 5 years after acquisition by a nonprofit conservation organization, roll-back taxes shall be assessed against the nonprofit conservation organization in the amount that would have been assessed at the time of acquisition of the subject parcel by the nonprofit conservation organization had the transaction been subject to a roll-back tax.

SECTION __. Said section 13 of said chapter 61A of the General Laws, as so appearing, is hereby amended in line 59 by inserting after the word '61B' the following:- or meets the definition of a renewable energy use under section 2A.

SECTION __. Section 17 of said chapter 61A of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:- provided, land which is valued, assessed and taxed under this chapter is separated for a renewable energy use rather than an agricultural and horticultural use shall not be subject to liability for conveyance or roll-back taxes under this section."; and

By inserting at the end thereof the following section:-

"SECTION __. Section 276 of chapter 165 of the acts of 2014 is hereby amended by striking out the words 'and 2017' and inserting in place thereof the following:- 2017, 2018, 2019, and 2020."

After remarks, the amendment is **adopted**.

Mr. Joyce moved that the proposed new text be amended by inserting at the end the following new section:

"SECTION __. The Attorney General shall examine the feasibility of allowing municipalities to advertise notice to the public through digital means, such as the municipalities' websites, social media, or other digital platforms and make recommendations to the Governor and the Legislature. Should the Attorney General determine that such notice would adequately notify the public of a municipality's actions, the Attorney General shall promulgate rules and regulations to ensure that such digital notice is effective."

The amendment was *rejected*.

Mr. Moore moved that the proposed new text be amended by inserting after section __, the following section:-
“SECTION __. Section 67 of chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the seventh paragraph.”
The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended by inserting after section 233, the following new section:-
“SECTION 234. Chapter 64A of the General Laws, as most recently amended by chapter 46 of the acts of 2013, is hereby amended by inserting, after section 7A, the following section:-
Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from the excise established by this chapter.”
The amendment was *rejected*.

Ms. Forry and Ms. Jehlen moved that the proposed new text be amended by adding the following new sections:
“SECTION XX. Chapter 90 of the General Laws is hereby amended by inserting after section 17B the following section:-
Section 17C. (a) Notwithstanding section 17 of chapter 90 or any general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town which accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour inside a thickly settled or business district in the city or town which is not a state highway. (b) Upon establishing a speed limit under this section the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17 of chapter 90.
SECTION XX. Chapter 90 of the General Laws is hereby further amended by inserting after section 18A the following section:-
Section 18B. (a) Notwithstanding section 18 of chapter 90 or any general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town which accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour. (b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17 of chapter 90.”
After remarks, the amendment is **adopted**.

Messrs. Rush, deMacedo and Ross moved that the proposed new text be amended by adding at the end thereof the following:-
“SECTION XX. Section 60 of Chapter 31 of the General Laws is hereby amended by striking out lines 1 through 6 and inserting in place thereof the following:-
In any city or town having an intermittent or reserve police or fire force to which the civil service law and rules are applicable, original appointments to the lowest title in the regular police or fire force shall be made from among the members of such intermittent or reserve police or fire force, as the case may be, whose names are certified by the administrator to the appointing authority. All intermittent and reserve lists shall expire on the same day the active eligible list expires and the administrator certifies a new eligible list. Any city or town establishing a new intermittent or reserve list, while an active eligible lists exists, must exhaust the active intermittent or reserve list or the new intermittent or reserve list must contain the members from the previous intermittent or reserve list in the order provided by the appointing authority at the time the active intermittent or reserve list was created.”
After remarks,, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes past two o'clock P.M., on motion of Mr. Humason, as follows, to wit (*yeas 39 – nays 0*) [**Yeas and Nays No. 403**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.

Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce, Brian A.	

NAYS – 0.

The yeas and nays having been completed at fourteen minutes past two o'clock P.M., the amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended by inserting the following new section:-

SECTION __. Section 12 of chapter 138 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the words 'during such meal;' in line 24, the following:- and provided further, that the limitations relative to service and consumption in a tavern, club or war veterans organization licensed pursuant to this section shall not be deemed to preclude the holder of the tavern, club or war veterans license from allowing a patron, member or guest, as the case may be, to retain and take off the premises only so much as may remain of a bottled wine purchased by the said patron, member or guest in conjunction with a meal and not totally consumed by said patron, member or guest during such meal; provided further, that the bottle shall be resealed in accordance with regulations promulgated by the commission."

After remarks, the amendment is **adopted**.

Mr. Keenan moved that the proposed new text be amended by inserting the following new section:-

SECTION __. Section 6D of Chapter 183 of the Massachusetts General Laws as appearing in the 2014 Official Edition, is hereby amended by adding the following paragraph:-

Each assignment of mortgage secured by residential property, as defined in said section 1 of chapter 255E, shall be forwarded within 30 days of the date of execution of said assignment to the appropriate registry district for recording."

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by striking the proposed subsection (d) in lines 158 through 174, inclusive, and inserting in place thereof the following:-

“(d) The governing body of the governmental unit shall designate a board of trustees, which shall have general supervision of the management, investment and reinvestment of the OPEB Fund. The governing body may designate as the trustee or board of trustees: (i) the governmental unit’s retirement board; or (ii) an OPEB Fund board of trustees established by the governmental unit pursuant to subsection (e). The duties and obligations of the board of trustees with respect to the fund shall be set forth in a declaration of trust to be adopted by the board, but shall not be inconsistent with this section. The declaration of trust and any amendments thereto shall be filed with the chief executive officer and the clerk of the governing body of the governmental unit and take effect 90 days after filing, unless the governing body votes to disapprove the declaration or amendment within that period. The board of trustees may employ reputable and knowledgeable investment consultants to assist in determining appropriate investments and pay for those services from the fund, if authorized by the governing body of the governmental unit. The board of trustees may, with the approval of the State Retiree Benefits Trust Fund board of trustees, invest the OPEB Fund in the State Retiree Benefits Trust Fund established in section 24 of chapter 32A.”; and by striking the words “trustee or” in each instance in which they appear in lines 210, 213, 214, 239, and 240.

The amendment is **adopted**.

Messrs. Ross and deMacedo moved that the proposed new text be amended by inserting after section __, the following sections:-
“SECTION __. Chapter 64A, as appearing in the 2014 Official Edition, is hereby amended by inserting after section 7A the following section:-

Section 7B. Any municipality of the commonwealth that buys any fuel on which an excise tax has been paid under chapter 64A and, which fuel has been purchased for its municipal consumption and use, shall be reimbursed the amount of such excise tax paid in the manner and subject to the conditions herein provided. All claims for reimbursement shall be filed with the commissioner of revenue and shall be made in such form and containing such information, and accompanied with supporting documentation, as the commissioner of revenue shall prescribe. The commissioner of revenue shall establish a quarterly calendar year schedule for the submission of claims by municipalities for reimbursement of such paid fuel excise taxes. No reimbursement for such excise tax paid shall be made for any claim submitted after 6 months from the date of the purchase of such fuel. The commissioner of revenue shall transmit all claims approved by him to the comptroller for certification, and the amount so approved and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied under this chapter 64A, without specific appropriation. No claim for reimbursement for said excise tax shall be made by a municipality under sections 7 and 7A of chapter 64A, for fuel purchased during said period, to which a municipality is entitled to claim a reimbursement under this section.

SECTION __. Section 13 of Chapter 64A, as so appearing, is hereby amended by striking out the words ‘seven and seven A’ in line 3, and inserting in place thereof, the following words:- ‘seven, seven A and seven B’.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-seven minutes past two o’clock P.M., on motion of Mr. Ross, as follows, to wit (*yeas 9 – nays 29*) [**Yeas and Nays No. 404**]:

YEAS.

deMacedo, Viriato M.

OConnor, Patrick M.

Fattman, Ryan C.

Ross, Richard J.

Flanagan, Jennifer L.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E. – 9.

Moore, Michael O.

NAYS.

Barrett, Michael J.

Joyce, Brian A.

Boncore, Joseph A.

Keenan, John F.

Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, oan B.
Creem, Cynthia Stone	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Spilka, Karen E.
Forry, Linda Dorcena	Welch, James T.
Gobi, Anne M.	Wolf, Daniel A. – 29.
Jehlen, Patricia D.	

ABSENT OR NOT VOTING.

Rush, Michael F. – 1.

The yeas and nays having been completed at a half past two o'clock P.M., the amendment was *rejected*.

Ms. Forry, Ms. L'Italien and Mr. Boncore moved that the proposed new text be amended by inserting the following new sections:-

“SECTION XX. Chapter 40 of the General Laws is hereby amended by inserting after section 60A the following section:--
Section 60B. (a) Notwithstanding any general or special law to the contrary, a city or town, by vote of its town meeting, town council or city council, with the approval of the mayor where required by law, on its own behalf or in conjunction with one or more cities or towns, may adopt and implement a workforce housing special tax assessment plan, referred to as a WH-STA plan, intended to encourage and facilitate the increased development of middle income housing, and do any and all things necessary thereto; provided, however, that any such WH-STA plan shall:

- (1) designate 1 or more areas of such city or town as a workforce housing special tax assessment zone, referred to as a WH-STA zone, subject to regulations adopted by the city or town, pursuant to subsection (c) of this section, as presenting exceptional opportunities for increased development of middle income housing. Any WH-STA plan adopted by more than 1 city or town shall designate WH-STA zones consisting of contiguous areas of such cities or towns;
- (2) describe in detail all construction and construction-related activity contemplated for such WH-STA zone as of the date of adoption of the WH-STA plan; provided that the WH-STA plan shall include the types of residential developments which are projected to occur within such WH-STA zone, with documentary evidence of the level of commitment therefor, including but not limited to architectural plans and specifications as required by regulations promulgated pursuant to subsection (c);
- (3) authorize special tax assessment exemptions from property taxes, under subsection Fifty-eighth of section 5 of chapter 59, for

a specified term not to exceed 5 years, for any parcel of real property which is located in a WH-STA zone and for which an agreement has been executed with the owner of the real property under paragraph 4. The WH-STA plan may exempt owners of parcels of real estate from up to 100 per cent of property taxes during 2 years of construction and set forth in an agreement executed pursuant to paragraph 4. The WH-STA plan may also exempt such owners from property taxes during a 3 year stabilization period following construction, provided that the exemption will be up to 75 per cent of property taxes during a first year of stabilization, up to 50 per cent of property taxes during a second year of stabilization, and up to 25 per cent of property taxes during a third year of stabilization;

(4) include executed agreements between such city or town and each owner of a parcel of real property which is located in such WH-STA zone, provided that such agreements shall include, but not be limited to, the following:

(i) all material representations of the parties which served as the basis for the descriptions contained in the WH-STA plan in accordance with the provisions of paragraph 2 of this subsection, and which served as a basis for the granting of a WH-STA exemption;

(ii) any terms deemed appropriate by the city or town relative to compliance with the WH-STA agreement including, but not limited to, what shall constitute a default by the property owner and what remedies shall be allowed between the parties for any such defaults, including an early termination of the agreement;

(iii) provisions governing maximum rental prices that may be charged by the developer in order to create middle income workforce housing, as set forth in the regulations adopted by the city or town pursuant to subsection (c) of this section;

(iv) a detailed recitation of all other benefits and responsibilities inuring to and assumed by the parties to such agreement; and

(v) a provision that such agreement shall be binding upon subsequent owners of such parcel of real property.

(5) delegate the authority to execute agreements in accordance with paragraph 4 to the board of assessors of the city or town, and to the board, agency or officer of the city or town responsible for housing.

(b) A city or town may at any time revoke its designation of a WH-STA zone and, as a consequence of such revocation, shall immediately cease the execution of any additional agreements pursuant to paragraph 4 of subsection (a). Such revocation shall not affect agreements relative to property tax exemptions pursuant to said paragraph 4 of subsection (a) which were executed prior thereto. The board of assessors of the city or town and the board, agency or officer of the city or town responsible for housing, authorized pursuant to paragraph 5 of subsection (a) to execute agreements, shall retain a copy of each such agreement, together with a list of the parcels included therein.

(c) Upon the adoption of a WH-STA plan, a city or town shall promulgate regulations governing the implementation of such plans in the city or town. Such regulations shall establish eligibility requirements for developers to enter into a WH-STA agreement pursuant to subsection (a)(4). Such regulations shall establish, among other things: (1) a procedure for developers to apply to the city or town for a WH-STA agreement; (2) a minimum number of new residential units to be constructed in order for an owner of a parcel of real estate to be eligible to enter into a WH-STA agreement; (3) the maximum rental prices that may be charged by the developer for the constructed residential units throughout the duration of a WH-STA agreement; (4) other eligibility criteria that will facilitate and encourage the construction of workforce housing in a manner appropriate to the particular city or town.

(d) The owner of property subject to a WH-STA agreement shall certify to the city or town the rental prices of the residential units designated in the WH-STA agreement. Such certification shall be provided to the city or town on the date of initial occupancy and on an annual basis thereafter throughout the duration of the executed WH-STA agreement. If the owner fails to provide such certification, or otherwise fails to comply with the WH-STA agreement, or if the city or town determines that the owner is unlikely to come into compliance with the affordability requirements set forth in the agreement, the city or town may place a lien on the property in the amount of the real estate tax exemptions granted pursuant to the WH-STA agreement for any year in which the owner is not in compliance with this subsection. Any such lien shall be recorded in the registry of deeds or the registry district of the land court wherein the land lies;

(e) a WH-STA plan adopted pursuant to subsection (a) shall expire 3 years after its adoption unless such plan is renewed by the city or town by vote of its town meeting, town council or city council, with the approval of the mayor where required by law.

SECTION XX. Section 5 of chapter 59 of the General Laws as appearing in the 2012 Official Edition is hereby amended by adding the following paragraph:--

Fifty-eighth. Taxes on the value of a parcel of real property which is included within an executed agreement under section 60B of chapter 40 shall be assessed only on that portion of the value of the property that is not exempt under that section. This exemption shall be for a term not longer than the period specified in the executed agreement entered into pursuant to said section 60B of chapter 40. The amount of the exemption under this clause for a parcel of real property shall be the exemption percentage adopted under said section 60B of chapter 40, multiplied by the actual assessed valuation of the parcel."

The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended by adding the following section:--

"SECTION XXX. (a) Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate, analyze and study the potential consequences associated with repealing sections 44 to 46, inclusive, of chapter 35 of the General Laws.

(b) The special commission shall consist of members including: the secretary of administration and finance, or a designee; the senior deputy commissioner of the division of local services; the commissioner of the department of revenue, or a designee; the president of the Massachusetts Municipal Association, or a designee; 1 member of the house appointed by the speaker; 1 member of the house appointed by the minority leader; 1 member of the senate appointed by the senate president; and 1 member of the

senate appointed by the minority leader.

(c) The commission study shall include, but not be limited to, past use of county finance and personnel reports, projected outcomes of eliminating the requirement for county finance and personnel reports, past use of county reports filed by the commissioner of revenue, and projected outcomes of eliminating the requirement for county reports filed by the commissioner of revenue.

(d) The commission shall submit its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and senate, the house and senate committees on ways and means, the joint committee on revenue, and the joint committee on municipalities and regional government, not later than nine months after the first meeting of the commission is convened.

(e) The commission shall conduct its first meeting not later than 60 days after the effective date of this act."

The amendment was *rejected*.

Mr. OConnor moved that the proposed new text be amended by adding the following section:-

"SECTION XX: Section 5 of chapter 59, as appearing in the 2014 Official Edition, is hereby amended by inserting, in line 8, after the words 'Twenty-second F', the following words:-, Twenty-second G.

SECTION XX: Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after clause Twenty-second F the following clause:-

Twenty-second G. Real estate that is the residence or domicile of a soldier, sailor, or veteran, as defined in clause forty-third of section 7 of chapter 4, or that was the residence or domicile of such soldier, sailor, or veteran until his or her death, and that has been transferred or conveyed to a trust or conservatorship or through other legal instrument passing ownership from the soldier, sailor, or veteran to his or her spouse or surviving spouse; provided, that this abatement or exemption shall be equivalent in amount to and bound by all the applicable provisions of any single abatement or exemption under clauses Twenty-second through Twenty-second F, inclusive, that would be available to the residence or domicile were it not so transferred or conveyed; and provided further, that the residence or domicile shall be entitled to lawfully retain that tax abatement or exemption until the later of the death of the soldier, sailor, or veteran, or the death of his or her surviving spouse, provided that the soldier, sailor, or veteran and the surviving spouse remain residing in said residence or domicile until their respective deaths. This clause shall take effect upon its acceptance by any city or town."

After remarks, the amendment is **adopted**.

Mr. deMacedo moved that the proposed new text be amended by inserting after section 216, the following sections: -

SECTION 216A. Said subsection 2 of said section 44A of chapter 149, as so appearing, is hereby further amended by inserting after paragraph (G) the following new paragraph:-

(H) Notwithstanding paragraphs (A) and (B), the installation, repair and maintenance of telecommunication and data cabling and wiring; telecommunication, security, audiovisual and computer equipment; and carpeting, shall be procured subject to the provisions of section 22 of chapter 7 and sections 51 and 52 of chapter 30, unless the public agency makes a determination that it is in the best interest of the project that such services be procured through section 39M of chapter 30 or sections 44A-J of chapter 149."

The amendment was *rejected*.

Messrs. Timilty and Moore moved that the proposed new text be amended inserting after section 233 the following section:-

"SECTION 233A. There shall be a special commission to examine effective state licensure models for security and life safety systems. The commission shall investigate and study: (i) state laws affecting security and life safety systems, including, but not limited to, sections 3L and 3P of chapter 143, sections 57 to 61, inclusive, of chapter 147 and chapter 141, including definitions and exemptions; (ii) the effectiveness of policies and relevant case law in the oversight, licensure and uniform enforcement of the security and life safety systems industry; (iii) models adopted in other states; and (iv) best practices for ensuring comprehensive safety standards for installers of security and life safety systems, including local and national background checks. The special commission may conduct public hearings, forums or meetings to gather information.

The commission shall include: 2 members of the senate, 1 of whom shall be appointed by the senate president and shall serve as co-chair and 1 of whom shall be appointed by the senate minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house and shall serve as co-chair and 1 of whom shall be appointed by the house minority leader; the secretary of public safety and security or a designee; the undersecretary for the office of consumer affairs and business regulation or a designee; the commissioner for the department of telecommunications and cable or a designee; the general counsel of the division of professional licensure or a designee; the executive director for the board of state examiners of electricians or a designee; 1 representative from the policy and government division of the office of the attorney general; 1 representative of the Massachusetts Chiefs of Police Association Incorporated; 1 representative of the Massachusetts Systems Contractors Association, Inc. who shall be licensed as a contractor in the commonwealth with a security system business licensed under chapter 147; 1 representative from the International Brotherhood of Electrical Workers, Local 103, who shall be a licensed electrician; 1 representative from the Massachusetts Electrical Contractors Association, who shall be a licensed contractor with a security system business licensed under chapter 147; 1 representative from the Massachusetts High Technology Council, Inc.; 1 representative from the New England Cable & Telecommunications Association, Inc.; 1 representative from an incumbent local exchange carrier; 1 representative from the Electronic Security Association; 1 representative from the Cellular Telephone Industries Association; and 2 representatives who shall be appointed by the governor, 1 of whom shall be from a telecommunications company regulated by the department of telecommunications and cable and 1 of whom shall be a consumer

who has experience contracting for security system services serving the commonwealth.

The first meeting of the commission shall be convened by the co-chairs not later than 30 days after the effective date of this act. The commission shall file a report and any recommendations, including proposed legislation, with the office of the governor and the clerks of the senate and house of representatives not later than December 31, 2016.”

After remarks, the amendment is **adopted**.

Mr. Wolf moved that the proposed new text be amended by inserting after section 172 the following sections:-

"SECTION 172A. Said chapter 71 is hereby further amended by striking out section 14B, as so appearing, and inserting in place thereof the following section:-

Section 14B. (a) The regional district planning board may recommend the establishment of a regional school district which may include all the cities or towns represented by its membership, or alternatively, any specified combination of such cities or towns. If the regional district planning board so recommends, it shall submit a proposed agreement or agreements setting forth as to each alternative recommendation, if such be made, the following:

- (i) the number, composition, method of selection, and terms of office of the members of the regional district school committee;
- (ii) the cities, towns or general area within which the regional district school or schools shall be located;
- (iii) the type of regional district school or schools; provided, however, that without limiting the generality of the foregoing, the type of regional school may, if it is so stated in the agreement, consist of a vocational school or schools offering such kinds of education as may be provided by cities or towns under chapter 74; provided, further, that any other type of regional school may, if it is so stated in the agreement, offer said kinds of education; and provided further, that a city or town may simultaneously be a member of a vocational regional school district and any other type of regional school district but when a vocational regional school district is in operation, no member city or town of such district, and no other type of regional school district of which such a city or town is a member shall, without the approval of the commissioner of education, offer the same kinds of education as offered by the vocational regional school district;
- (iv) the method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, including any interest and retirement of principal of any bonds or other obligations issued by the district among the several cities or towns comprising the district, and the time and manner of payment of the shares of the several cities or towns of any such expense;
- (v) the method by which school transportation shall be provided, and if such transportation is to be furnished by the district, the manner in which the expenses shall be borne by the several cities or towns;
- (vi) the terms by which any city or town may be admitted to or separated from the regional school district; provided, however, that in the case of admission such terms shall not be inconsistent with section 16 of chapter 645 of the acts of 1948;
- (vii) the method by which the agreement may be amended;
- (viii) the detailed procedure for the preparation and adoption of an annual budget; and
- (ix) any other matters, not incompatible with law, which the said board may deem advisable.

(b) Copies of any agreements prepared pursuant to subsection (a) shall be submitted to the department of elementary and secondary education, and subject to its approval, to the several cities and towns for their acceptance

SECTION 172B. Section 16 of said chapter 71, as so appearing, is hereby amended by striking out, in line 161, the word ‘ten’ and inserting in place thereof the following figure:- 30.

SECTION 172C. Said section 16 of said chapter 71 of the General Laws, as so appearing, is hereby amended by adding the following clause:-

(s) to serve as the fiscal agent when the regional school district and any towns or superintendency unions have hired the same superintendent and central office staff; provided, however, that the regional school district and school committees of the member municipalities shall enter into a written agreement regarding billing for the payment for services and personnel."

After remarks, the amendment is **adopted**.

Mr. OConnor moved that the proposed new text be amended by striking sections 209 to 220, inclusive, 238 and 240 in their entirety.

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by inserting after the word “insurance” in line 135, 146, 209, 213, and 236, in each instance, the words:- “and life insurance”.

The amendment is **adopted**.

Mr. Keenan moved that the proposed new text be amended by inserting the following new section:-

“SECTION __. Section 3 of said chapter 90B, as appearing in the 2014 Official Edition, is hereby amended in subsection (e) by inserting after the word ‘number’ in line 60 the following:- ‘; provided that when the change of ownership of the motorboat is between two family members, the previous certificate of number may be kept at the request of the new owner of the motorboat’.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section 222, the following sections:-

“SECTION 222A. Section 28A of chapter 151A of the General Laws, as so appearing, is hereby amended by inserting after subsection (d) the following subsection:-

(e) with respect to any services described in subsections (a) and (b) that are provided to or on behalf of an educational institution,

benefits shall not be paid to any individual under the same circumstances as described in subsections (a) through (c).

SECTION 222B. Section 29 of said chapter 151A, as so appearing, is hereby amended by inserting after subsection (d)(6) the following subsection:-

(7) Notwithstanding any of the foregoing provisions of this subsection, the amount of benefits otherwise payable to an individual for any week that begins in a period with respect to which such individual is receiving governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment from a defined benefit plan that is based on the previous work of such individual for the separating employer or for a base period employer shall be reduced by an amount equal to 65 per cent of the amount of such payment that is reasonably attributable to such week; provided, however, that such reduction shall apply only when such separating or base period employer employed the individual for at least 75 per cent of the individual's total length of service on which the defined benefit plan is based; and, provided further, that such reduction shall apply only if, and to the extent, then consistent with section 3304(a)(15) of the Internal Revenue Code of 1954. Payments received under the Social Security Act shall not be subject to this paragraph."

The amendment was *rejected*.

Mr. Lewis moved that the proposed new text be amended by adding the following section:-

"SECTION X: Chapter 40 of the Massachusetts General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding after section 13C the following new section:-

Section 13D. Any school district which accepts the provisions of this section by majority vote of the school committee and acceptance by a majority vote of the legislative body or, in the case of a regional school district acceptance by majority vote of the legislative bodies in a majority of the member communities of the district may establish, and appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal year or years, to pay, without further appropriation, for unanticipated and/or unbudgeted costs of special education out of school district tuition and/or transportation. The balance in such separate stabilization fund shall not exceed 2% of the annual net school spending of the school district.

The district treasurer may invest the monies in the manner authorized by Section 54 of Chapter 44, and any interest earned thereon shall be credited to and become part of the fund. In the case of Regional School Districts, funds may be added to the special education stabilization fund only be appropriation in the annual budget voted at annual town meetings of member towns." After remarks, the amendment was **adopted**.

Mr. Ross moved that the proposed new text be amended by inserting after section __, the following section:-

"SECTION __. Section 5 of chapter 59 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking paragraph 1 of clause 3 and inserting in place thereof:-

'Third, Personal property of a charitable organization, which term, as used in this clause, shall be defined as in section 501(c) of the Code; and real estate owned by or held in trust for a charitable organization and occupied by it or its officers for the purposes for which it is organized or by another charitable organization or organizations or its or their officers for the purposes of such other charitable organization or organizations; and real estate purchased by a charitable organization with the purpose of removal thereto, until such removal, but not for more than two years after such purchase; provided, however, that:'. "

After remarks, the amendment was *rejected*.

Ms. Gobi moved that the proposed new text be amended by inserting after section 239 the following section:-

"SECTION 240. Chapter 29 of the General Laws is hereby amended by adding after Section 27C the following section:-

Section 27D. Notwithstanding any special or general law to the contrary:

(a) Any law enacted by the governor shall, at the time such law is enacted, be accompanied by a fiscal note. The fiscal note shall contain an estimate of the fiscal impact of the law on the revenues and expenditures of local governments:

(i) during the year in which the law becomes effective and the next 4 years after that year; and

(ii) if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(b) If a law imposes a mandate on a local government unit, the fiscal note for the law shall contain:

(i) a statement that clearly identifies the imposition of the mandate; and

(ii) an estimate of the fiscal impact of the mandate.

(c) If a law imposes a mandate on a local government unit and requires a mandated appropriation, the fiscal note for the law shall contain:

(i) a statement that clearly identifies the imposition of the mandated appropriation; and

(ii) an estimate of the fiscal impact of the mandated appropriation.

(d) A fiscal note shall identify the sources of the information that was used in preparing the estimates of fiscal impact."

The amendment was *rejected*.

Ms. Gobi moved that the proposed new text be amended by inserting after section 197 the following section:-

"SECTION 198. Section 5 of Chapter 115 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the sixth paragraph the following paragraph:-

Any city or town may incur liability and make expenditures in any fiscal year in excess of available appropriations for veterans' benefits provided that such expenditures are approved by the town manager and the finance or advisory committee in a town having a town manager, by the selectmen and the finance or advisory committee in any other town, by the city manager and the city council in a city having a city manager or by the mayor and city council in any other city; provided, however, that the

appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the board of assessors and included in the next annual tax rate. Every city or town shall annually, not later than September fifteenth, report to the division of local services of the department of revenue the total amounts appropriated and expended, including any funding or reimbursements received from the commonwealth, for veterans' benefits in the fiscal year ending on the preceding June thirtieth." The amendment was *rejected*.

Ms. Gobi moved that the proposed new text be amended by inserting after section 239 the following 4 sections:-

"SECTION 240. Section 23 of chapter 20 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word 'by', in line 22, the following words:- agricultural commissions or.

SECTION 241. Chapter 40 of the General Laws is hereby amended by inserting after section 8K the following section:-

Section 8L. (a) For the purposes of this section, the terms 'farming' and 'agriculture' shall have the same meaning as provided in section 1A of chapter 128.

(b) A city or town which accepts this section may establish a municipal agricultural commission to promote and develop the agricultural resources of the city or town. A municipal agricultural commission, unless otherwise restricted by law, may: (i) buy, hold, manage, license or lease land for agricultural purposes; (ii) educate the public on agricultural issues; (iii) advocate for farmers, farm businesses and farm interests; (iv) assist farmers in resolving municipal problems or conflicts related to farms; (v) seek to coordinate agricultural related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture; (vi) receive grants, gifts, bequests or devises of personal or monetary property of any nature and interest in real property in accordance with this section; (vii) apply for, receive, expend and act on behalf of the municipality in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the mayor or city manager in a city or the board of selectmen in a town; and (viii) advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the municipal agricultural commission deems necessary for its work.

(c) A municipal agricultural commission may conduct research and prepare agriculture related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with any current town master plan and regional area plans. The plan shall show or identify: (i) agricultural land areas and facilities; (ii) matters which may be shown on a tract index under section 33 of chapter 184; (iii) acquisitions of interest in land under this section; (iv) municipal lands that are held as open space; (v) non-municipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture; (vi) land that should be retained as a public necessity for agricultural use; and (vii) any other information that the commission determines to be relevant to local agricultural land use. The commission may amend the plan whenever necessary.

(d) The commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the municipality.

(e) The municipal agricultural commission shall keep accurate records of its meetings and actions and shall file an annual report with the clerk of the municipality. The commission's annual report shall be posted on the municipality's public website and, in a town, shall be printed in the annual town report for that year.

(f) A municipal agricultural commission shall consist of not less than 3 nor more than 7 members who shall be residents of the municipality. A majority of members shall be farmers or employed in an agriculture related field. In the event that farmers or those employed in agriculture are unavailable to serve on the commission, then the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. Each member of the commission shall serve for a term of 3 years; provided, however, that the initial members appointed under this section shall serve for terms of 1, 2 or 3 years and the terms shall be arranged by the appointing authority so that the terms of approximately 1/3 of the commission's members shall expire each year.

In a city, the members of the municipal agricultural commission shall be appointed by the mayor, unless otherwise provided by the city's charter; provided, however, that in a city having a Plan D or Plan E charter, the appointments shall be made by the city manager, unless otherwise provided by the city's charter. In a town, the members of the municipal agricultural commission shall be appointed after a public hearing by the board of selectmen; provided, however, that in a town having a manager form of government the appointments shall be made by the town manager subject to the approval of the board of selectmen.

A member of a municipal agricultural commission may be removed for cause by the appointing authority after a public hearing, if such hearing is requested by the member. A vacancy created by a member being removed for cause shall be filled by the appointing authority for the unexpired term in the same manner as the original appointment.

(g) A municipal agricultural commission may receive gifts, bequests or devises of personal property or interests in real property as described in this subsection in the name of the city or town, subject to the approval of the city council or board of selectmen. The municipal agricultural commission may purchase interests in the land only with funds available to the commission. A city council or a town meeting may raise or transfer funds so that the municipal agricultural commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of or conserve and properly utilize open spaces in land and water areas within the city or town. The municipal agricultural commission shall manage and control the interests in land acquired under this subsection. The commission shall not take or obtain land by eminent domain.

The commission shall adopt rules and regulations governing the use of land and water under its control and prescribe civil penalties, not exceeding a fine of \$100, for any violation thereof.

(h) A municipality may appropriate money to an agricultural preservation fund of which the treasurer of the municipality shall be the custodian. The treasurer shall receive, deposit or invest the funds in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks or invest the funds in: (i) paid-up-shares and accounts of and in cooperative banks; (ii) shares of savings and loan associations; or (iii) shares of federal savings and loan associations doing business in the commonwealth. Any income derived from deposits or investments under this subsection shall be credited to the fund. Money in said fund may be expended by the commission for any purpose authorized by this section.

SECTION 242. Section 31 of chapter 111 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

In a city or town with a municipal agricultural commission, as defined in section 8L of chapter 40, the board of health in that city or town shall, during the publication period, solicit and consider comments submitted by the municipal agricultural commission on regulations that have an impact on farming or agriculture as defined in section 1A of chapter 128.

SECTION 243. A municipal agricultural commission duly formed prior to the effective date of this act shall have the authority as provided in section 8L of chapter 40 of the General Laws without further action to accept said section 8L of said chapter 40."

After remarks, the amendment is **adopted**.

Ms. L'Italien moved that the proposed new text be amended by adding at the end thereof the following new sections:-

"SECTION 1. Section 1 of Chapter 57 of the General Laws as appearing in the 2012 edition is hereby amended by striking, in paragraph 7, the words 'and sub-precincts 7A and 9A of the town of Andover' and substituting the words 'and sub-precinct 7A of the town of Andover'.

SECTION 2. Section 2 of Chapter 57 of the General Laws as appearing in the 2012 edition is hereby amended by striking paragraph 2 and substituting the following: 'Notwithstanding any general or special law to the contrary, census block 250092543011034, heretofore referred to and known as town of Andover sub-precinct 9A, shall merge with and be incorporated into town of Andover precinct 1.'."

The amendment was rejected.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following new section:-

"SECTION _ . Notwithstanding any general or special law to the contrary a municipality shall be exempt from Massachusetts general laws chapter 149, §§ 26 - 27; chapter 5, § 1; chapter 71, § 7A and chapter 121B, § 29B inclusive for three years from the effective date of this act."

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by striking the phrase "A decision to enter into a joint powers agreement pursuant to this section, or to join an existing region, shall not be subject to collective bargaining pursuant to chapter 150E" in lines 305 through 307, and inserting in place thereof the words:-

"To the extent the services, activities or undertakings to be jointly performed are subject to a collective bargaining agreement pursuant to Chapter 150E, the decision to enter into a joint powers agreement pursuant to this section, or to join an existing region, shall be subject to collective bargaining pursuant to chapter 150E";

By striking the words "and (vii)" in line 329 and inserting in place thereof the words:- "(vii) collectively bargain pursuant to Chapter 150E; and (viii)"; and

By inserting after the word "personnel" in line 359 the words:-

"To the extent the services, activities or undertakings to be performed by personnel employed by the public employer were subject to a collective bargaining agreement pursuant to Chapter 150E of one of the participating governmental units, the personnel employed shall be public employees and the terms and conditions of the services, activities or undertakings shall be established in accordance with chapter 150E."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section 233 the following section:-

"SECTION 233A. Notwithstanding any special or general law to the contrary, the operational services division shall develop procedures allowing for the reduction of the cost of textbooks and other educational materials through methods including, but not limited to, bulk purchasing and statewide contracts for bulk purchasing for elementary and secondary public schools and for public institutions of higher education in accordance with 34 CFR 668.164."

After remarks, the amendment was **adopted**.

Ms. Lovely moved that the proposed new text be amended by striking in line 2344 the word "and"; and by inserting after the word "hearing" in line 2345 the following:- "and (iii) the local licensing authority in each city or town shall set a fee for each additional alcoholic beverage or wines and malt beverage license issued on or after March 31, 2017 that is reasonable and appropriate based on the market value of alcoholic beverage or wines and malt beverage licenses at the time of its issuance. Said fee shall be collected by the licensing city or town and shall be utilized for the purpose of economic development".

After remarks, the amendment was *rejected*.

Ms. Lovely moved that the proposed new text be amended by inserting after the words "parking meters" in line 409 the following:- "and other parking payment enforcement technology"; and by inserting after the words "parking meters" in line 411

the following:- "and other parking payment enforcement technology".
After remarks, the amendment is **adopted**.

Mr. Tarr moved that the proposed new text be amended by inserting at the end thereof the following:-
"SECTION _ . Notwithstanding any general or special law to the contrary any two or more municipalities may join together to purchase health insurance."
The amendment was *rejected*.

There being no objection the bill was temporarily laid aside and the following matter was considered as follows:

PAPER FROM THE HOUSE.

A Bill establishing a special commission to consider an appropriate tribute to Nelson Mandela in the City of Boston (House, No. 2929),-- **was read**.

There being no objection, the rules were suspended, on motion of Mr. Lewis, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Lewis moved that the bill be amended by substituting a "Resolve to establish a special commission to consider an appropriate tribute to Nelson Mandela in the City of Boston" (Senate, No. 2426). The amendment was **adopted**.

The resolve (Senate, No. 2426) was then ordered to a third reading, read a third time and passed to be engrossed. Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were further considered as follows:

There being no objection, the following matter was taken out of order and considered, as follows:

The Senate Bill relative to family financial protection (Senate, No. 2230),-- **was considered, the main question being on ordering the bill to a third reading.**

After remarks, and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2409), Mr. Tarr moved that the proposed new draft be amended by striking out all after the enacting clause and inserting in place thereof the following text:-

"SECTION 1. Section 24 of chapter 93, as appearing in the 2012 Official Edition, is hereby amended to insert the following definition:

‘Collection action’ means a lawsuit or arbitration proceeding initiated to collect a debt from a consumer.

SECTION 2. Chapter 93, as so appearing, is hereby amended by inserting after section 24K the following section 24L:

Section 24L. Collection Action

(a) A debt collector may not enter into a payment schedule or settlement agreement with a consumer regarding a debt without the payment schedule or settlement agreement being documented in open court, approved by the court and included in a court order, or otherwise reduced to writing. If a payment schedule or settlement agreement is not included in a court order, the debt collector shall provide a written copy of the payment schedule or settlement agreement to the consumer within 10 business days of entering into the payment schedule or agreement. A consumer is not required to make a payment on a payment schedule or settlement agreement until the written copy has been provided in accordance with this subsection.

(b) A debt collector may not initiate a collection action when the debt collector knows or reasonably should know that the collection action is barred by the limitations period as set forth in section 2 of chapter 260.

(c) A debt collector may not commence a collection action more than six years after the date of the consumer’s last activity on the debt. This limitations period applies notwithstanding any other applicable statute of limitations, unless a shorter limitations period is provided under the laws of the Commonwealth. Notwithstanding any other provision of law, when the applicable limitations period expires, any subsequent payment toward, written or oral affirmation of or other activity on, such debt does not revive or extend the limitations period.

SECTION 3. This Act shall take effect on January 1, 2017.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes past four o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 9 – nays 30*) [**Yeas and Nays No. 405**]:

YEAS.

deMacedo, Viriato M.

OConnor, Patrick M.

Fattman, Ryan C.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E.

Moore, Michael O.

Timilty, James E. – **9.**

O'Connor Ives, Kathleen

NAYS.

Barrett, Michael J.

Jehlen, Patricia D.

Boncore, Joseph A.

Joyce, Brian A.

Brady, Michael D.

Keenan, John F.

Brownsberger, William N.

Lesser, Eric P.

Chandler, Harriette L.

Lewis, Jason M.

Chang-Diaz, Sonia

L'Italien, Barbara A.

Creem, Cynthia Stone

Lovely, Joan B.

DiDomenico, Sal N.

McGee, Thomas M.

Donnelly, Kenneth J.

Montigny, Mark C.

Donoghue, Eileen M.

Pacheco, Marc R.

Downing, Benjamin B.

Rodrigues, Michael J.

Eldridge, James B.

Rush, Michael F.

Flanagan, Jennifer L.

Spilka, Karen E.

Forry, Linda Dorcena

Welch, James T.

Gobi, Anne M.

Wolf, Daniel A. – **30.**

The yeas and nays having been completed at eleven minutes past four o'clock P.M., the amendment was *rejected*.

Mr. Eldridge moved that the proposed new draft be amended by striking out section 3 and inserting in place thereof the following section:-

"SECTION 3. Section 3 of Chapter 93L shall not apply to a consumer debt for which the cause of action accrued before January 1, 2017; provided, however, that subsection (b) of section 3 of said chapter 93L shall apply to payments made after the effective date of this act. Provided further that subsection (b) of section 6 of chapter 93L shall not apply to a contract, including a consumer form contract that is in effect before January 1, 2017."

After remarks, the amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2409, amended) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at thirteen minutes past four o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 29 – nays 9*) [**Yeas and Nays No. 406**]:

YEAS.

Barrett, Michael J.	Jehlen, Patricia D.
Boncore, Joseph A.	Joyce, Brian A.
Brady, Michael D.	Keenan, John F.
Brownsberger, William N.	Lesser, Eric P.
Chandler, Harriette L.	Lewis, Jason M.
Chang-Diaz, Sonia	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
DiDomenico, Sal N.	McGee, Thomas M.
Donnelly, Kenneth J.	Montigny, Mark C.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Spilka, Karen E.
Flanagan, Jennifer L.	Welch, James T.
Forry, Linda Dorcena	Wolf, Daniel A. – 29.
Gobi, Anne M.	

NAYS.

deMacedo, Viriato M.	OConnor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Humason, Donald F., Jr.	Rush, Michael F.
Moore, Michael O.	Tarr, Bruce E. – 9.

O'Connor Ives, Kathleen

ABSENT OR NOT VOTING.

Timilty, James E. – 1.

The yeas and nays having been completed at twenty minutes past four o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The Senate Bill to prevent wage theft and promote employer accountability (Senate, No. 2207),-- **was read a second time.** After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2416), Mr. Tarr moved that the proposed new draft be amended by inserting in line 14, after the word "violation" the following:- " , if the direct company knew or should have known that a contracted entity has committed a wage theft violation".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 14 – nays 25*) [**Yeas and Nays No. 407**]:

YEAS.

Brownsberger, William N.	Moore, Michael O.
deMacedo, Viriato M.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. – 14.

NAYS.

Barrett, Michael J.	Keenan, J hn F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

DiDomenico, Sal N.

Montigny, Mark C.

Donnelly, Kenneth J.

Pacheco, Marc R.

Downing, Benjamin B.

Rodrigues, Michael J.

Eldridge, James B.

Spilka, Karen E.

Forry, Linda Dorcena

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 25.

Joyce, Brian A.

The yeas and nays having been completed at four minutes before five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting after section 2 by inserting the following three sections:-
“SECTION __. Section 152A of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘ responsibility’ , in line 8, the following words:- ; provided, however, that a supervisor in a quick service restaurant who serves patrons or customers and whose job duties do not qualify him or her as an employee employed in a bona fide executive capacity as defined in 29 C.F.R. §§541.100 (a)(2)-(4) et seq., shall qualify as a wait staff employee for purposes of this section.

SECTION __. Said section 152A of said chapter 149, as so appearing, is hereby further amended by inserting after the definition ‘Patron’ the following definition:-

‘Quick service restaurant’ , an establishment selling food or beverages where products are served to patrons primarily over a sales counter or a drive up window sales point, where there is minimal or no direct service to patrons seated at tables, and where employees are paid at least the minimum required hourly wage for non-service employees pursuant to Chapter 151.

SECTION __. Nothing in this chapter shall prohibit an employer from establishing a policy prohibiting the acceptance of gratuities.

SECTION __. Nothing in this chapter shall interfere with the right of employees to collectively bargain nor shall it affect any existing collective bargaining agreement.”

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting in section 1 after subsection (d) the following new subsection (e):-

“(e) If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action pursuant to subsection (a) was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee's lost wages and benefits;” and

By inserting after section 2 the following section:-

“SECTION __. Section 150 of said chapter 149 is hereby amended by adding at the end thereof the following sentence:- If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee's lost wages and benefits.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at thirteen minutes past five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 13– nays 26*) **[Yeas and Nays No. 408]:**

YEAS.

deMacedo, Viriato M.

Moore, Michael O.

Donoghue, Eileen M.	O'Connor Ives, Kathleen
Fattman, Ryan C.	OConnor, Patrick M.
Flanagan, Jennifer L.	Rodrigues, Michael J.
Gobi, Anne M.	Ross, Richard J.
Humason, Donald F., Jr.	Tarr, Bruce E. – 13.
Joyce, Brian A.	

NAYS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette .	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Rush, Michael F.
Downing, Benjamin B.	Spilka, Karen E.
Eldridge, James B.	Timilty, James E.
Forry, Linda Dorcena	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 26.

The yeas and nays having been completed at sixteen minutes past five o'clock P.M., the amendment was *rejected*.
 Mr. Moore moved that the proposed new draft be amended in line 14, by inserting after the word "violation," the following:-
 "provided however, the direct company shall not be liable or responsible for wages owed earlier than 10 days prior to the date the direct company receives written notice that a contracted company has committed a wage theft violation."; and in line 17, by striking the words "if the direct company knew or should have known" and inserting in place thereof the following words:-

"provided however, the direct company shall not be liable or responsible for penalties or fines applicable to wages owed prior to the date the direct company received written notice that a contracted entity has committed a wage theft violation".

The amendment was *rejected*.

Mr. Rodrigues moved that the proposed new draft be amended in section 1, by inserting after the figure " 149", in line 81, the following words: - "; provided, however, that a direct company under section 148E shall not be liable for the payment of wages or any related penalties or fines under this subsection".

After remarks, the amendment was **adopted**.

Mr. Donnelly moved that the proposed new draft be amended by striking out, in lines 41-42, the words "96 hours after the order is served upon the violator or at the worksite or place of business or employment of the violator", and inserting in place thereof the following words:- "when served upon the violator or at the worksite or place of business or employment of the violator and shall remain in effect until the director, or designee, issues an order releasing the stop work order upon a finding that the violation has been corrected"; and by striking out, in lines 61-62, the words "96 hours after the order is served upon the violator or at the worksite or place of business or employment of the violator", and inserting in place thereof the following words:- "when served upon the violator or at the worksite or place of business or employment of the violator and shall remain in effect until the attorney general, or designee, issues an order releasing the stop work order upon a finding that the violation has been corrected".

After remarks, the amendment was *rejected*.

Mr. Donnelly moved that the proposed new draft be amended by adding the following section:-

"SECTION XX. Section 27C of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end of the last paragraph, the following:-

(d) As a further alternative to initiating criminal proceedings pursuant to subsection (a), the attorney general may file a civil action for injunctive relief, for any damages incurred, and for any lost wages and other benefits on behalf of an employee or multiple, similarly situated employees. If the attorney general prevails in such an action, the employee or employees on whose behalf the attorney general brought the civil action shall be awarded treble damages, as liquidated damages, for any lost wages and other benefits, and the attorney general shall also be awarded the costs of the litigation and reasonable attorneys' fees."

After remarks, the amendment was *rejected*.

Mr. Donnelly moved that the proposed new draft be amended by striking, in lines 5-11, the following words:-

"'Contracted entity', a person or entity that directly enters into an agreement with a direct company to perform labor or services for the direct company.

"'Direct company', a business entity that directly enters into an agreement with a contracted entity for labor or services.

"'Wage theft violation', a violation of section 27, 27F, 27G, 27H, 148, 148A, 148B, 148C, 150, 150C, 152A, subsection (c) or (d) of section 159C or section 1, 1A, 1B, 2A, 7, 19 or 20 of chapter 151."

and inserting in place thereof the following words:-

"'Contracted entity', a person or entity that directly or indirectly enters into an agreement with a direct company to perform labor or services for the direct company.

'Direct company', a business entity that directly or indirectly enters into an agreement with a lead company for labor or services.

'Lead company', a business entity that obtains or is provided workers, directly from a direct company or indirectly from a contracted entity, to perform labor or services that have a significant nexus with the lead company's business activities, operations or purposes.

'Wage theft violation', a violation of section 27, 27F, 27G, 27H, 148, 148A, 148B, 148C, 150, 150C, 152A, subsection (c) or (d) of section 159C or section 1, 1A, 1B, 2A, 7, 19 or 20 of chapter 151, by a lead company, direct company or contracted entity and for all workers employed by the direct company or contracted entity to provide labor or services to the lead company.";

By striking, in line 12, the word "direct" and inserting in place thereof the following word:- "lead";

By striking, in lines 13-14, the word "wages owed by a contracted entity as the result of a wage theft violation" and inserting in place thereof the following words:- "any wage theft violation"; and

By striking, in line 15, the words "direct company shall be subject to joint and several civil liability and shall share civil legal responsibility for any penalties or fines owed by a contracted entity as a result of a wage theft violation if the direct company knew or should have known that a contracted entity has committed a wage theft violation" and inserting in place thereof the following words:- "lead company shall be subject to joint and several civil liability and shall share civil legal responsibility for any penalties or fines owed by a direct company or contracted entity as a result of a wage theft violation if the lead company knew or should have known that a direct company or contracted entity has committed a wage theft violation"; and, by striking, in line 88, the word "direct" and inserting in place thereof the following word:- "lead".

After remarks the amendment was *rejected*.

Mr. Tarr moved that the proposed new draft be amended by inserting before section 1 the following:-

"SECTION __. Section 27 of chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

'Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil

action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.'

SECTION __. Section 27F of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

'Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.'

SECTION __. Section 27G of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

'Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.'

SECTION __. Section 27H of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

'Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.'

SECTION __. Section 150 of said chapter 149, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph: -

'Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the attorney general assents in writing, and within 3 years after the said violation, institute and prosecute in his own name and on his own behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the employee shall also be awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an action, if said violation is not willful, shall be awarded damages as determined by the court for any loss of wages and other benefits; and the employee may also be awarded the costs of the litigation and reasonable attorneys' fees.'"

The amendment was *rejected*.

Mr. Keenan moved that the proposed new draft be amended by adding the following sections:-

"SECTION __. Chapter 151A of the General Laws is hereby amended by inserting in section the following new section:-

Section XX. For the purposes of this section, the term 'development' shall mean a residential dwelling in excess of 10 units or retail, commercial, or industrial developments greater than 5,000 square feet.

For any development that is in excess of \$750,000, the developer and construction class employer shall provide upon request, for inspection at a jobsite by the local building department or inspection services of a city or town, or by inspectors designated by the attorney general, proof of compliance with the provisions of this chapter and department regulations, as provided by the department, in accordance with all the employees on the jobsite.

SECTION __. Chapter 152 of the General Laws, as appearing in 2014 Official Edition, is hereby amended by adding the following new section:-

Section XX. For the purposes of this section, the term ‘development’ shall mean a residential dwelling in excess of 10 units or retail, commercial, or industrial developments greater than 5,000 square feet.

For any development that is in excess of \$750,000, the developer and Construction Class Employer shall provide upon request, for inspection at a jobsite by the local building department or inspectional services of a city or town, or by inspectors designated by the attorney general, proof of compliance with the provisions of this chapter and department regulations, as provided by the department, in accordance with all employees on the jobsite.”

The amendment was *rejected*.

Mr. Wolf moved that the proposed new draft be amended by inserting after the word "answered.", in line 32, the following:-
“Where the attorney general informs the director of the department of unemployment assistance or the director otherwise ascertains through credible evidence that an employer, person or entity responsible for the payment of contributions under section 14 of chapter 151A has committed a wage theft violation or otherwise failed to timely pay wages to an individual, the individual’s unemployment benefit shall be calculated as if the wages had been timely paid.”

After remarks, the amendment was **adopted**.

Mr. Wolf moved that the proposed new draft be amended by striking out, in lines 63-64, the words “including the amounts of wages owed to each individual due to the wage theft violation” and inserting in place thereof the following words “including the total amount owed to correct the violation”.

After remarks, the amendment was **adopted**.

Mr. Donnelly moved that the proposed new draft be amended by adding the following section:

“SECTION XX. Chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby further amended by inserting after section 148D the following section:-

Section 148E. (a) The following words, as used in this section, unless the context otherwise requires, shall have the following meanings:—

‘Employee’, any individual employed by an employer, excluding those employees contained in chapter 151, section 1A, subsection 3, and including employees employed through the services of a temporary services or staffing agency, or a cleaning or security services contractor.

‘Employer’, an individual, corporation, partnership or other entity, including any agent thereof that employs an employee or employees for wages, remuneration or other compensation.

‘On-call shift’, the time that an employer requires an employee to be available for a work shift, and to contact the employer or its designee or wait to be contacted by the employer or its designee to determine whether the employee must report for that shift.

‘Shift’, the consecutive hours an employer requires an employee to work, provided that a break of one hour or less shall not be considered an interruption of consecutive hours.

‘Work schedule’, all of an employee’s regular and on-call shifts during a consecutive 7-day period.

(b) When an employee who is scheduled to work three or more hours reports for duty at the time set by the employer, and that employee is not provided with the expected hours of work, the employee shall be paid for at least three hours on such day at no less than the basic minimum wage.

(c) An employer shall provide an employee with the following compensation for each on-call shift for which the employee is required to be available but not called into work:

(1) two hours of pay at the employee’s regular hourly rate for each on-call shift of four hours or less or,

(2) four hours of pay at the employee’s regular hourly rate for each on-call shift of more than four hours.

(d) The requirements of subsections (b) and (c) shall not apply under any of the following circumstances:

(1) operations cannot begin or continue due to threats to employees or property, or when public authorities recommend that work not begin or continue;

(2) operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system; or

(3) operations cannot begin or continue due to an act of God or other cause not within the control of the employer, including, but not limited to, a major weather event, natural disaster, or a state of emergency declared by a local government or the governor.

(e) Violations for non-payment of wages defined in this section shall be subject to section 150, 27(c), and 148(a) of this chapter.

(f) The attorney general shall have power to enforce this section through injunctive or declaratory relief.”

After remarks, the amendment was *rejected*.

Ms. Spilka moved that the proposed new draft be amended in section 1, by inserting after the word “violation”, in line 14, the following words:- “; provided, however, that if the contracted entity also qualifies as a sub-bidder under section 44F, a direct company shall not share civil responsibility for wages owed by the contracted entity that also qualifies as a sub-bidder under said section 44F as a result of a wage theft violation unless the direct company knew or should have known that the contracted entity committed a wage theft violation”;

In said section 1, by striking out, in lines 43 and 44, the words “a description of the violation, including the amounts of wages owed to each individual due to the wage theft violation” and inserting in place thereof the following words:- “the amount of contributions owed to the trust fund”;

In said section 1, by striking out, in line 45, the word “wages” and inserting in place thereof the following word:- “contributions”; and

In said section 1, by striking out, in line 46, the words “to all workers”;

In said section 1, by striking out, in line 66, the word “director” and inserting in place thereof the following words:- “attorney general”;

In said section 1, by striking out, in line 68, the word “itshall” and inserting in place thereof the following words:- “it shall”;

In section 3, by striking out, in lines 85 and 86, the words “ and the office of the attorney general”;

In said section 3, by inserting after the word “Laws”, in line 87, the following words:- “, but not including subsection (b) of said section 148F of said chapter 149”; and

By inserting after section 3 the following section:-

“SECTION 3A. The office of the attorney general may promulgate regulations to implement sections 148E and 148F of chapter 149 of the General Laws, but not including subsection (a) of said section 148F of said chapter 149.”.

After remarks, the amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill (Senate, No. 2416, amended) was then ordered to a third reading and read a third time.

After remarks, he question on passing the bill to be engrossed was determined by a call of the yeas and nays at twenty-seven minutes before six o’clock P.M., on motion of Mr. DiDomenico, as follows, to wit (*yeas 38 – nays 2*) [**Yeas and Nays No. 409**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	OConnor, Patrick M.
Downing, Benjamin B.	Pacheco, Marc R.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 38.

NAYS

Donnelly, Kenneth J.

Fattman, Ryan C. – 2.

**The yeas and nays having been completed at twenty-four minutes before six o'clock P.M., the bill was passed to be engrossed [For bill, printed as amended, see Senate, No. 2434].
Sent to the House for concurrence.**

The Senate Bill relative to medical placement of terminal and incapacitated inmates (Senate, No. 843),-- **was read a second time.**

After remarks and pending the question on adoption of the amendment, previously recommended by the committee on Ways and Means, substituting a new draft with the same title (Senate, No. 2415) (the committee on Health Care Financing having recommended that the bill be amended by substituting a new draft (Senate, No. 2304), Mr. Tarr moved that the proposed new draft be amended in section 1, by inserting after the first paragraph of proposed subsection (e) of proposed section 119A of chapter 127 of the General Laws the following paragraph:-

“If the prisoner eligible for conditional medical parole pursuant to this section is convicted and serving a sentence pursuant to section 1 of chapter 265, the full membership of the parole board shall conduct the hearing unless a member of the board is determined to be unavailable. For the purposes of this section, the term “unavailable” shall mean that a board member has a conflict of interest to the extent that the board member cannot render a fair and impartial decision or that the appearance of a board member would be unduly burdensome because of illness, incapacitation or other circumstance. Whether a member is unavailable under this section shall be determined by the chair. Board members shall appear unless the chair determines them to be unavailable. A parole hearing shall not proceed for a prisoner serving a sentence pursuant to said section 1 of said chapter 265 unless a majority of the board is present at the public hearing. For prisoners convicted and serving a sentence pursuant to said section 1 of said chapter 265, a vote of 2/3 of the members present is required to grant conditional medical parole. The parole board shall provide reasonable accommodations for prisoners appearing before it for a conditional medical parole hearing under this section including, but not limited to, video conferencing when appropriate.”; and

In said section 1, by inserting after the word “parole”, in line 115, the following words:- “or that the terminal illness or permanent incapacitation has improved to the extent that the prisoner would no longer be eligible for conditional medical parole pursuant to this section”.

After remarks, the amendment was **adopted.**

Ms. Spilka moved that the proposed new draft be amended in section 1, by inserting after the word “kin”, in line 29, the following words:- “, the commissioner’s medical provider”;

In said section 1, by inserting after the word “released”, in line 33, the following words:- “within 10 days of receipt of the recommendation”;

In said section 1, by inserting after the word “released”, in line 62, the following words:- “within 10 days of receipt of the recommendation”;

In said section 1, by striking out proposed subsection (f) of proposed section 119A of chapter 127 and inserting in place thereof the following subsection:-

“(f) A prisoner, commissioner or sheriff aggrieved by a decision denying conditional medical parole made under this section may petition for relief in the superior court in the county of the correctional facility where the prisoner resides or in Suffolk county for a de novo review of the denial. The petition shall be filed not later than 30 days after receipt of notice of the decision and shall be served on the parole board not later than 7 days after receipt of notice of the decision. The parole board shall file its answer, which shall include a copy of its statement of reasons, not later than 14 days after service of the complaint. The court may affirm the decision of the board, remand the matter for further proceedings before the board or set aside a decision of the board if it finds by a preponderance of the evidence that the prisoner is terminally ill or permanently incapacitated. The court shall conduct an evidentiary hearing on the petition not later than 21 days after filing of the answer and shall issue its decision not later than 14 days after completion of the hearing unless the court orders otherwise upon a finding of good cause.

Affirmation of the parole board’s denial of conditional medical parole shall not affect a prisoner’s eligibility for any other form of release permitted by law.

A decision by the court pursuant to this section shall be final, subject to appeal in the manner provided for appeal of civil proceedings; provided, however, that the decision shall not preclude a prisoner’s eligibility for conditional medical parole in the

future.”

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill was then substituted for the pending Health Care Financing new draft (Senate, No. 2304).

The bill (Senate, No. 2415, amended) was then ordered to a third reading, read a third time and passed to be engrossed.

[For bill, printed as amended, see Senate, No. 2433].

Sent to the House for concurrence.

The House Bill modernizing municipal finance and government (House, No. 4419),-- **was further considered, the main question being on ordering the bill to a third reading.**

Mr. Downing moved that the proposed new text be amended by inserting after section XX the following new section:-

“SECTION XX. Section 58 of chapter 31 of the General Laws, as amended by section 8A of chapter 118 of the Acts of 2012, is hereby amended by striking out the second paragraph and inserting in its place the following paragraph:-

“No person shall be certified for original appointment to the position of firefighter or police officer in a city or town which has not accepted the provisions of sections 61A and 61B if such person has reached 32 years of age on or before the final date for the filing of applications, as stated in the examination notice, for the examination used to establish the eligible list from which such certification is to be made. No person shall be eligible to take an examination for original appointment to the position of firefighter or police officer in any city or town if the applicant will not have reached 19 years of age on or before the final date for the filing of applications for such examination, as so stated; provided, however, that an applicant who reached 19 years of age while serving on active military duty, who was not 19 on or before the date of an original examination, shall be eligible for any subsequent make up examination that is offered. No person shall be eligible for original appointment to the position of police officer in any city or town until that person has reached the age of 21.”

After remarks, the amendment was **adopted**.

Mr. Moore moved that the proposed new text be amended by adding at the end thereof the following new sections:-

"SECTION _ . Subsection (a) of section 39M of chapter 30 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 21 to 23, the words “The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person” and inserting in place thereof the following words:-

"The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion with any other person or fraud. As used in this paragraph the word “fraud” shall mean a statement, act or omission relating to a material fact that (i) has the natural tendency to be relied upon by or to influence the average person, (ii) is knowingly false or misleading or is in reckless disregard of its truth or falsity and (iii) is intended to mislead and has been shown by clear and convincing evidence to have been done so"

SECTION _ . Section 44A of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Eligible” the following definition:-

“Fraud”, a statement, act or omission relating to a material fact that (i) has the natural tendency to be relied upon by or to influence the average person, (ii) is knowingly false or misleading or is in reckless disregard of its truth or falsity and (iii) is intended to mislead, regardless of whether the statement, act or omission is actually relied upon.

SECTION _ . Section 2 of chapter 149A of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Designer” the following definition:-

“Fraud”, a statement, act or omission relating to a material fact that (i) has the natural tendency to be relied upon by or to influence the average person, (ii) is knowingly false or misleading or is in reckless disregard of its truth or falsity and (iii) is intended to mislead, regardless of whether the statement, act or omission is actually relied upon.

SECTION _ . Clause (6) of section 19 of said chapter 149A of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 2 sentences:-

"Any person submitting a bid under this section shall, on such bid, certify as follows: The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion with any other person or fraud. As used in this paragraph the word “fraud” shall mean a statement, act or omission relating to a material fact that (i) has the natural tendency to be relied upon by or to influence the average person, (ii) is knowingly false or misleading or is in reckless disregard of its truth or falsity and (iii) is intended to mislead the prequalification committee or awarding authority.""

The amendment was *rejected*.

Ms. L'Italien and Ms. Creem moved that the proposed new text be amended by adding the following section:-

“SECTION 78A. Subsection (a) of section 55C of chapter 44, as so appearing, is hereby amended by inserting after the word “households”, in line 7, the following words:- and for the funding of community housing, as defined in and pursuant to chapter 44B.

SECTION 78B. Said section 55C of said chapter 44, as so appearing, is hereby further amended by inserting after the figure “44B”, in line 33, the following words:- ; provided, however, that any money received from said chapter 44B shall be used exclusively for community housing, shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust; provided further, that such money shall be used exclusively for community housing and such funds shall be accounted for separately by the trust; provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town

for inclusion in the Community Preservation Initiatives Report, Form CP-3, to the department of revenue.

SECTION 78C. Said section 55C of said chapter 44, as so appearing, is hereby further amended by inserting after the word “releases”, in line 44, the following words:- , grant agreements.”; and

By adding the following section:-

"SECTION 240. Sections 78A to 78C, inclusive, shall take effect on the effective date of this act and shall apply to all funds held by a trust under chapter 44B of the General Laws on or after the effective date of this act.

After remarks, the amendment was **adopted**.

Mr. Donnelly and Ms. L'Italien moved that the proposed new text be amended by inserting after section 215 the following section:-

SECTION 215A. Section 5 of chapter 141 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 to 7, inclusive, the words “ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars” and inserting in place thereof the following words:-

“\$1,000 and not more than \$1,500, for a second offence by a fine of not less than \$1,500 and not more than \$2,000 and for each subsequent offence by a fine of not less than \$2,000 and not more than \$2,500”;

After remarks, the amendment was **adopted**.

Mr. Keenan, Ms. Lovely, Ms. Jehlen and Ms. Creem moved that the proposed new text be amended by adding the following section:-

“SECTION XX. Chapter 164 of the General Laws is hereby amended by inserting after section 34B the following section:-

Section 34C. A distribution company or a telephone company engaging in the removal of an existing pole and the installation of a new pole that does not complete the transfer of wires to the new pole within 30 days from the date on which it was notified through the National Joint Utilities Notification System or its successor service that the transfer of wires was necessary shall pay a fine of \$50 to the municipality where the existing pole is located for each day it fails to act, commencing 90 days from the date of notification. A distribution company or a telephone company responsible for the final removal of an existing pole following the transfer of wires that does not complete the removal of the pole from the site within 90 days from the date of notification shall pay a fine of \$200 to the municipality where the existing pole is located for each day it fails to act, commencing 90 days from the date of notification; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, the company shall pay a fine of \$200 to the municipality where the existing pole is located for each day after 6 months from the date of installation of the new pole that the transfer of wires, all repairs and the removal of the existing pole from the site are not completed; and provided further that a distribution company or telephone company shall not transfer to its customers the cost associated with pole removal or fines for failure to transfer poles. A municipality that has placed an unlicensed attachment on an existing or new pole shall be prohibited from fining any distribution company or telephone company for failure to transfer attachments or remove such pole.”

After remarks, the amendment was **adopted**.

Mr. Donnelly and Ms. Jehlen moved that the proposed new text be amended by adding the following sections:-

“SECTION XX. Section 34 of Chapter 40 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “shall”, in line 2, the following words:- , unless a member of a regional lock-up facility, and further, by inserting after the word “thereby”, in line 8, the following words:- , or the regional lock-up facility, if the city or town is a member of such a facility, pursuant to section 34A of this chapter.

SECTION XX. Said chapter 40 is hereby further amended by inserting after section 34 the following section:-

Section 34A. The Sheriff of each county may establish one or more regional lock-up facilities within the county to which persons arrested with or without a warrant may be committed or any person arrested under any civil process. Any county regional lock-up facility established under this section shall have the same function and power as a lock-up established under section 34 of chapter 40. A city or town may become a member of a county regional lockup facility system by executing, with the consent of the county commissioners, a written agreement with the county sheriff. Said agreement shall be filed with the city or town clerk, the county commissioners, and the secretary of state, and shall set forth the details as to the transportation, booking, fees to be paid per prisoner, and an indemnification agreement.

Member police officers who are transporting a prisoner to a regional lock-up facility shall, during transport, have the full authority and jurisdiction of a police officer through any city, town, or county. The requirements and duties set forth in sections 36A through 36C of chapter 40 shall pertain to the regional lock-up facility and the Sheriff's department personnel, except that training shall be completed within one year of the establishment of such a facility. Member city or town police departments do not have to comply with section 36C of chapter 40. The regional lock-up facility administrator and deputy sheriffs shall have the same authority, jurisdiction and duty as a police officer to detain, book, hold, and transport a pre-arraignment prisoner or any other prisoner to or from the regional lock-up facility.

SECTION XX. Section 35 of said chapter 40, as so appearing, is hereby amended by adding, at the end of the section, the following paragraph:-

Notwithstanding the foregoing paragraph, if there is a county regional lock-up facility, the sheriff shall be responsible for the appointment of the administrator of the lock-up facility who shall serve for such term as the sheriff shall determine and written notice of the same shall be filed with the county commissioners and the clerk of each member city or town. The administrator of the regional lock-up facility shall have all the powers and duties of a keeper of the lock-up.

SECTION XX. Section 36B of said chapter 40, as so appearing, is hereby amended by inserting after the word “town” , in line 2,

the following word:- county.”; and by inserting after the words “state police”, in line 3, the following words:- or the county sheriff’s department.”

The amendment was *rejected*.

Mr. Brownsberger moved that the proposed new text be amended by striking out section 205; and

By inserting after section 233 the following section:-

“SECTION 233A. There shall be a special commission to study allowing municipalities to expand the hours of operation for licenses issued under section 12 of chapter 138. The study shall include, but not be limited to: (i) the impact of expanded hours of operation on: (A) surrounding neighborhoods; (B) public safety; and (C) economic activity; and (ii) the potential for establishing districts eligible for expanded hours of operation within a city or town. The commission shall include: the treasurer or a designee; the secretary of housing and economic development or a designee; the secretary of the Massachusetts Department of Transportation or a designee; 1 member who shall be from the Massachusetts Bay Transportation Authority advisory board; the executive director of the Massachusetts Municipal Association, Inc. or a designee; the secretary of public safety and security or a designee; and 5 members who shall be appointed by the governor, 2 of whom shall be license holders under said section 12 of said chapter 138 and 3 of whom shall be residents of the commonwealth who are geographically and demographically diverse. The commission shall file its report with the clerks of the senate and house of representatives not later than December 31, 2016.”

The amendment was **adopted**.

Messrs. Pacheco, deMacedo and Ross moved that the proposed new text be amended by inserting the following section:-

“SECTION 233A. For the purposes of this section, “manufactured home” shall mean a structure that: (i) is built in conformance with the manufactured home construction and safety standards under 24 CFR Part 3280; (ii) is transportable in 1 or more sections; (iii) is 8 body feet or more in width or 40 body feet or more in length in traveling mode or 320 or more square feet when erected on site; (iv) is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities; and (v) includes plumbing, heating, air conditioning and electrical systems in the manufactured home. The department of revenue shall conduct a study evaluating each manufactured housing community in the commonwealth to determine what percentage of resident households at each manufactured housing community would qualify for low or moderate income housing under chapter 40B of the General Laws.

The department of revenue shall submit a written report detailing the results of its study with the clerks of the senate and the house of representatives not more than 180 days after the effective date of this act.”

After remarks, the amendment was **adopted**.

Mr. Welch and Ms. Lovely moved that the proposed new text be amended by striking out Section 211 and inserting in place thereof the following section:-

“SECTION 211. Section 17 of said chapter 138, as so appearing, is hereby amended by striking out the introductory paragraph and the first 4 paragraphs and inserting in place thereof the following 3 paragraphs:-

Section 17. A city or town, except the city of Boston, shall determine the number of all alcoholic beverage or wines and malt beverage licenses to be issued by its local licensing authority under sections 14 and 15F, including the number of seasonal licenses; provided, that for licenses issued under section 15, cities and towns, except the city of Boston, may grant 1 such license for each population unit of 5,000 or any additional fraction thereof but may, regardless of population, grant at least 2 licenses under section 15; provided further that for licenses issued under section 12, a city or town, except the city of Boston, may only grant licenses in excess of those authorized under section 17 of chapter 138 of the General Laws on or before June first, two thousand and sixteen, when the average value of said licenses issued by that city or town does not exceed \$50,000. Average value shall be determined by evidence of the financial consideration paid for the transfer of such licenses during the five years prior to any action to increase the number of said licenses.

A city or town, except the city of Boston, that seeks to grant additional licenses on or after March 31, 2017 shall adopt a plan that is approved by the mayor, city council or board of selectmen. The plan shall determine the process for granting additional licenses; provided, however, that: (i) at least 1 public hearing regarding the plan shall be conducted by the city council, board of selectmen or governing body of the city or town; and (ii) the city or town shall notify the alcoholic beverages control commission of the public hearing.

The governing body of each city or town, except the city of Boston, shall hold a public hearing regarding a license application within 30 days of the date of the license application.”

The amendment was *rejected*.

Ms. Forry moved that the proposed new text be amended by striking out section 211 and inserting in place thereof the following 2 sections:-

“SECTION 211. Section 17 of said chapter 138, as so appearing, is hereby amended by striking out the introductory paragraph and inserting in place thereof the following paragraph:-

Section 17. A city or town shall determine the number of all alcoholic beverages and wines and malt beverage licenses to be issued by its local licensing authority under sections 12, 14 and 15F, including the number of seasonal licenses; provided, however, that for licenses issued under section 15, cities and towns may grant 1 such license for each population unit of 5,000 or any additional fraction thereof but may, regardless of population, grant at least 2 licenses under section 15.

SECTION 211A. Said introductory paragraph of said section 17 of said chapter 138, as so appearing, is hereby further amended by striking out the first to ninth paragraphs, inclusive, and inserting in place thereof the following 2 paragraphs:-

In a city or town that seeks to grant additional licenses, the city council, with the approval of the mayor, or the board of selectmen shall adopt a plan to determine the process for granting those additional licenses. At least 1 public hearing regarding the plan shall be conducted by the city council, board of selectmen or governing body of the city or town. The city or town shall notify the alcoholic beverages control commission of the public hearing. The governing body of a city or town shall hold a public hearing regarding a license application filed pursuant to this paragraph within 30 days after the date of the license application.”; and By inserting after section 233 the following section:-

“SECTION 233A. Section 211A shall apply to a city or town that seeks to grant additional licenses pursuant to section 17 of chapter 138 of the General Laws on or after March 31, 2017.”

The amendment was **adopted**.

Ms. Spilka moved that the proposed new text be amended is hereby amended by striking out, in line 2296, the word “July” and inserting in place thereof the following word:- “September”.

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at thirteen minutes before seven o'clock P.M., on motion of Ms. L'Italien, as follows, to wit (*yeas 40 – nays 0*) [**Yeas and Nays No. 410**]:

YEAS.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	OConnor, Patrick M.
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Tarr, Bruce E.

Humason, Donald F., Jr.

Timilty, James E.

Jehlen, Patricia D.

Welch, James T.

Joyce, Brian A.

Wolf, Daniel A. – 40.

NAYS – 0.

The yeas and nays having been completed at ten minutes before seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2430]. Sent to the House for concurrence in the amendment.

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill relative to electronic publication of certain legal notices (House, No. 1566) (the committee on Rules recommending that the bill be amended striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2428).

There being no objection, the rules were suspended, on motion of Mr. Brownsberger, and the bill was read a second time and was amended, as recommended by the committee on Rules.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., in a full formal session with a calendar.

On motion of the same Senator, at six minutes before seven o'clock, P.M., the Senate adjourned to meet again on tomorrow at eleven o'clock A.M.